

## **REMARKS**

### **I. Introduction**

In a non-final Office Action mailed on May 2, 2008, the Examiner rejected claims 3, 10-12, and 30-35 under 35 U.S.C. § 103(a) over a combination of U.S. Publication No. 2004-0064390 ("Pullen"), U.S. Publication No. 2004-0172311 ("Kauderer"), and "O\*NET 98 Data Directory," Release 1.0 ("ONET"). Claims 3, 10-12, and 30-35 are pending. For reasons discussed in detail below, applicant respectfully submits that each of the pending claims is allowable.

### **II. Rejections under 35 U.S.C. § 103(a)**

The Examiner rejected claims 3, 10-12, and 30-35 under 35 U.S.C. § 103(a) over a combination of Pullen, Kauderer, and ONET. In applicant's previous response filed on February 19, 2008, applicant's argued that Pullen and Kauderer were removed as references as a result of applicant's conception and diligence in reducing the claimed invention to practice. In the present Office Action, the Examiner asserts that the evidence submitted together with applicant's response is insufficient to establish conception of the claimed invention prior to the effective dates of the Pullen and Kauderer references. (Office Action, May 2, 2008, page 8.) In particular, the Examiner states that

It is unclear to the Examiner how the claimed subject matter found within the independent claims relates to the description set forth about the Exhibits. For example, the Examiner is unable to locate "[any of the elements recited by independent claim 1]." It is noted by the Examiner that while the declaration and exhibits provided do not need to state the claim limitations exactly, the limitations within the claims should be fully supported and pointed out within the declaration and exhibits. As a result, the Examiner does not believe full support for at least the limitations within the independent claims are provided/established.

(*Id.*, pages 8-9, emphasis added.)

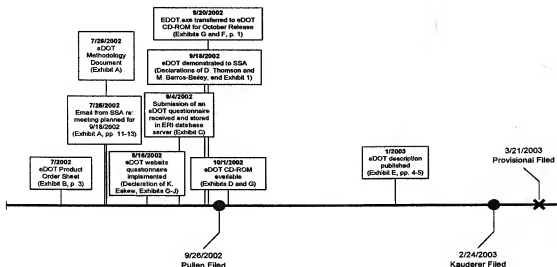
Although applicant believes that the claim elements were pointed out within the first Declaration of inventor Thomsen and fully supported by the first Declaration and Exhibits<sup>1</sup>, submitted herewith is a second Declaration under 37 C.F.R. § 1.131 of inventor Thomsen, which clearly establishes inventor Thomsen's conception and actual reduction to practice of the claimed invention prior to the effective dates of the Pullen reference (September 26, 2002) and the Kauderer reference (February 24, 2003). Specifically, the reduction of the claimed invention to practice is demonstrated by: (1) the implementation of the eDOT website questionnaire as early as August 16, 2002 (as reflected in Exhibits H-J, and corroborated by a Declaration under 37 C.F.R. § 1.131 of Kevin Eskew); (2) the implementation and demonstration of the eDot software to the Social Security Administration on September 18, 2002 (as reflected in Exhibit A, pages 11-13, and corroborated by a Declaration under 37 C.F.R. § 1.131 of Mary Barros-Bailey and a Non-Disclosure Agreement executed by Mary Barros prior to the demonstration of the eDot software to the SSA); and (3) the transfer of the eDOT executable file ("EDot.exe") having a "Date Modified" date of September 20, 2002 to a CD-ROM for an October 1, 2002 release of the CD-ROM (as reflected in Exhibits F-G and corroborated by a Declaration under 37 C.F.R. § 1.131 of Kevin Eskew).

In addition to the second Declaration from inventor Thomson, applicant submits the claim charts in Attachment A which identify portions of the Declarations and Exhibits that support the claim elements recited by independent claims 3 and 10. Applicant believes that the claim charts in Attachment A clearly show how the claimed subject matter found within the independent claims relates to the description set forth in the Declarations and Exhibits.

Applicant also submits the following timeline to illustrate activities reflected in the Declarations and Exhibits that establish the actual reduction to practice of the claimed invention prior to the effective dates of Pullen and Kauderer:

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<sup>1</sup> For example, paragraphs 3-6 of the first Declaration describe elements recited by the independent



Because the submitted Declarations and Exhibits demonstrate conception and actual reduction to practice of the claimed invention prior to September 26, 2002, applicant respectfully submits that Pullen and Kauderer are removed as references. Because two of the three references are no longer prior art, applicant requests the withdrawal of the § 103(a) rejection.

Alternatively, if the Examiner does not find that the cumulative evidence of the Declarations and Exhibits supports conception and actual reduction to practice prior to Pullen's September 26, 2002 effective date, applicant submits that the second Declaration for inventor Thomsen establishes conception coupled with diligence from prior to Pullen's September 26, 2002 effective date (as evidenced by Exhibits A, B, C, and F-J) to an actual reduction to practice as evidenced by the beta release of the software on October 1, 2002 (as reflected in Exhibits D and E). Under this alternative theory, applicant respectfully submits that Pullen and Kauderer are also removed as references. Because two of the three references are no longer prior art, applicant requests the withdrawal of the § 103(a) rejection.

claims, and these paragraphs specifically point to the pages and/or paragraphs within the Exhibits that evidence those elements.

Should the Examiner wish to receive further information on the subject matter of the Declarations or Exhibits, the Examiner is encouraged to contact the undersigned representative, as she may be able to provide such information and answer any questions the Examiner may have.

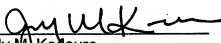
III. Conclusion

In view of the above remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite examination of this application, the Examiner is encouraged to call the undersigned directly at (206) 359-8077.

Please charge any deficiencies or credit any overpayments to our Deposit Account No. 50-0665, under Order No. 333628003US1 from which the undersigned is authorized to draw.

Dated: 11/3/08

Respectfully submitted,

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Attachment A: Claim Charts

Elements of Claim 3	Declaration	Exhibits
providing a publicly available web site for users of occupational information, wherein the publicly available web site allows the users of occupational information to access information associated with the collection of occupational information and to contribute information used to update the collection of occupational information;	See Thomsen Declaration ¶3, lines 2-11, ¶4, lines 3-13, and ¶5; and Barros Declaration ¶4, lines 4-6.	See, e.g., Exhibit A, July 26, 2002, page 1, ¶1, lines 4-6; pages 4-6, sections entitled "Data Files" and "Measures"; pages 6-7, section entitled "eDOT's attributes"; and page 10, section entitled "ERI's 2002 eDOT Development Process";
	Eskew Declaration ¶2 and ¶5.	Exhibit B, July 2002, page 3, Product Order Sheet including Enhanced Dictionary of Occupational Titles (eDOT) 2002, hard copy, CD-ROM, and LAN edition;
providing access to information recently contributed via the publicly available web site, wherein the recently contributed information includes information contributed using questionnaire	See Thomsen Declaration ¶3, lines 11-15, ¶4, lines 14-18, and ¶6; and	Exhibit E, January 2003, page 3, ¶ 2; and pages 4-5, sections entitled "Job Analysis and Field Audits," "Datasets," and "Subscriber Use of eDOT."
		See, e.g., Exhibit A, July 26, 2002, pages 7-8, section entitled "Validation via Job Analysis" ¶1, lines 1-3; and page 8, ¶ 6—page 9, ¶ 3; Exhibit C, page 1, showing a

forms accessible from the publicly available web site; and	Barros Declaration ¶14, lines 7-9. Eskew Declaration ¶2, and ¶¶4-5.	<p>screenshot of a SQL Query Analyzer showing data that was received from the submission of a questionnaire for the position of Applications Programmer Analyst on September 4, 2002; and</p> <p>Exhibit E, January 2003, pages 4-5, "The ERI eDOT Project" flowchart.</p> <p>Exhibit I, August 16, 2002, pages 1-9.</p> <p>Exhibit J, August 16, 2002, pages 2-8.</p>
<p>updating the collection of occupational information based on receiving a submission of a questionnaire form accessed from the publicly available web site and at least partially completed, wherein the questionnaire form specifies one or more data measures associated with an occupation, and wherein the updating includes either (a) adding a new occupational title and the one or more associated data measures to the collection of occupational information or (b) modifying</p>	<p>See Thomsen Declaration ¶3, lines 15-22, ¶4, lines 14-18, ¶5, and ¶6; and</p> <p>Barros Declaration ¶4, lines 10-18.</p> <p>Eskew Declaration ¶2, and ¶¶4-5.</p>	<p>See, e.g., Exhibit A, July 26, 2002, page 7, ¶4; and page 8, ¶6—page 9, ¶3;</p> <p>Exhibit C, page 1, showing a screenshot of a SQL Query Analyzer showing data that was received from the submission of a questionnaire for the position of Applications Programmer Analyst on September 4, 2002; and</p> <p>Exhibit E, January 2003, pages 4-5, sections entitled "eDOT-Seed Dataset," "eDOT Individual Dataset," etc.</p>

data measures associated with an occupational title that already exists in the collection of occupational information.		Exhibit I, August 16, 2002, pages 1-9. Exhibit J, August 16, 2002, pages 2-8.
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<b>Elements of Claim 10</b>	<b>Declaration</b>	<b>Exhibits</b>
providing end users with access to the collection of occupational information, including providing access to a questionnaire for receiving input from a user of the collection, wherein the questionnaire is for association with a specified occupation for which information is maintained in the collection of occupational information, and wherein the questionnaire is a structured analysis questionnaire configured to obtain worker measure information related to the required skills for the specified occupation;	See Thomsen Declaration ¶3, lines 2-5, ¶4, lines 3-13, ¶5, and ¶6; and  Barros Declaration ¶4, lines 4-9.  Eskew Declaration ¶2 and ¶¶5-6.	See, e.g., Exhibit A, July 26, 2002, page 1, ¶1, lines 4-6; pages 4-6; sections entitled "Data Files" and "Measures"; pages 6-7, section entitled "eDOT's attributes"; and page 10, section entitled "ERI's 2002 eDOT Development Process";  Exhibit B, July 2002, page 3, Product Order Sheet including Enhanced Dictionary of Occupational Titles (eDOT) 2002, hard copy, CD-ROM, and LAN edition; and  Exhibit E, January 2003, page 3, ¶ 2; and pages 4-5, sections entitled "Job Analysis and Field Audits," "Datasets," and "Subscriber Use of eDOT."  Exhibits G and F, September 20, 2008, pages 1-12.

receiving the questionnaire from the end user;	See Thomsen Declaration ¶3, lines 11-15, ¶4, lines 14-15, ¶5, and ¶6; and  Barros Declaration ¶ 4, lines 7-10.  Eskew Declaration ¶2 and ¶¶4-6.	See, e.g., Exhibit A, July 26, 2002, pages 7-8, section entitled "Validation via Job Analysis" ¶1, lines 1-3; and page 8, ¶ 6—page 9, ¶ 3;  Exhibit C, page 1, showing a screenshot of a SQL Query Analyzer showing data that was received from the submission of a questionnaire for the position of Applications Programmer Analyst on September 4, 2002; and  Exhibit E, January 2003, pages 4-5, "The ERI eDOT Project" flowchart.  Exhibit I, August 16, 2008, pages 1-9.  Exhibit J, August 16, 2002, pages 2-8.
analyzing the information in the received questionnaire;	See Thomsen Declaration ¶3, lines 11-15, ¶4, lines 14-15, ¶5, and ¶6.  Eskew Declaration ¶2 and ¶¶4-5.	See, e.g., Exhibit A, July 26, 2002, pages 7-8, section entitled "Validation via Job Analysis" ¶1, lines 1-3; and page 8, ¶ 6—page 9, ¶ 3; and  Exhibit E, January 2003, pages 4-5, "The ERI eDOT Project" flowchart.



		Exhibit I, August 16, 2008, pages 1-9.  Exhibit J, August 16, 2002, pages 2-8.
providing the user with results of the analysis of the questionnaire; and	See Thomsen Declaration ¶¶3, lines 15-22, ¶4, lines 15-16, ¶5, and ¶6; and  Barros Declaration ¶ 4, lines 11-18.  Eskew Declaration ¶2 and ¶5.	See, e.g., Exhibit A, July 26, 2002, page 8, ¶ 6—page 9, ¶ 3;  Exhibit C, page 1, showing a screenshot of a SQL Query Analyzer showing data that was received from the submission of a questionnaire for the position of Applications Programmer Analyst on September 4, 2002; and  Exhibit E, January 2003, pages 4-5, "The ERI eDOT Project" flowchart.
updating the collection of occupational information to include information extracted from the questionnaire.	See Thomsen Declaration ¶¶3, lines 15-22, ¶4, lines 16-18, ¶5, and ¶6; and  Barros Declaration ¶ 4, lines 10-18.  Eskew Declaration ¶2 and ¶5.	See, e.g., Exhibit A, July 26, 2002, page 7, ¶4; and page 8, ¶6—page 9, ¶3;  Exhibit C, page 1, showing a screenshot of a SQL Query Analyzer showing data that was received from the submission of a questionnaire for the position of Applications Programmer Analyst on September

		4, 2002; and Exhibit E, January 2003, pages 4-5, sections entitled "eDOT-Seed Dataset," "eDOT Individual Dataset," etc. Exhibit I, August 16, 2008, pages 1- 9. Exhibit J, August 16, 2002, pages 2- 8.
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